

Ms. Alyce Sadongei, Arizona State Museum, Tucson, AZ
Ms. Mari Lyn Salvador, Phoebe A. Hearst Museum of Anthropology, Berkeley, CA
Ms. Lauren Sieg, Springfield, VA
Mr. Emman Spain, Muscogee (Creek) Nation, Okmulgee, OK
Ms. Ashley Teesdale, American University, Washington College of Law, Washington, DC
Ms. Wendy Giddens Teeter, Fowler Museum of UCLA, Los Angeles, CA
Ms. Brenda Todd, National Park Service, Denver, CO
Ms. Fran Wallace, Tennessee Department of Environment Conservation, Nashville, TN
Mr. Frank Wozniak, USDA Forest Service, Southwestern Region, Albuquerque, NM

Review Committee's Report to Congress for 2009

Mr. Hemenway stated that he made the revisions to the draft report to Congress for 2009, as discussed at the previous meeting, and distributed the amended draft report to the Review Committee members for final review. The Review Committee members stated they were satisfied with the report and thanked Mr. Hemenway for his efforts. Mr. Monroe recommended adding an additional barrier to the Barriers Encountered section that referenced the difficulty of operating and implementing NAGPRA and the need for additional support for the National NAGPRA Program. Ms. Worl stated that Mr. Monroe's recommendation could be included under the first barrier by adding "and other programmatic activities." Mr. Monroe suggested that an executive summary be included with the report to Congress for 2009. The Review Committee agreed that Ms. Hutt would work with Mr. Hemenway to write the executive summary.

Review Committee Motion

Mr. Goodman made a motion that the Review Committee would accept the amended report to Congress for 2009 as final. Ms. Atalay seconded the motion. The motion passed unanimously.

Review Committee's Report to Congress for 2010

Ms. Worl appointed Mr. Goodman and Ms. Augustine (through the remainder of her term) to draft the report to Congress for 2010, which will be approved, or conditionally approved, at the November meeting. Ms. Worl stated the draft report should be distributed prior to the November 2010 meeting to allow time for review prior to the discussion at the meeting.

Requests by Museums and Federal Agencies that the Review Committee Act on an Agreement Concerning Human Remains Determined to be Culturally Unidentifiable

Overview: Tennessee Division of Archaeology

The Tennessee Division of Archaeology, in the Tennessee Department of Environment and Conservation, has possession and control of human remains representing a minimum of 21 Native American individuals, along with 17 associated funerary objects, that had been removed from the Fewkes site (40WM1), in Williamson County, TN. The Tennessee Division of Archaeology determined the human remains and associated funerary objects to be culturally unidentifiable and to have been removed from land that is the aboriginal land of three Indian tribes – Cherokee Nation, Oklahoma; Eastern Band of Cherokee Indians of North Carolina; and United Keetoowah Band of Cherokee Indians in Oklahoma. The Tennessee Division of Archaeology requested a recommendation from the Review Committee to the Secretary of the Interior that the Secretary recommend the reburial of these Native American human remains and associated funerary objects according to Tennessee state law (T.C.A. 11-6-19). This request was originally heard by the Review Committee at its meeting in De Pere, WI, on May 15-16, 2008. At that time, the Review Committee deferred a recommendation on the request pending additional consultation with the Muscogee (Creek) Nation.

Mr. Tarler stated that under 43 CFR 10.11 (c), the Tennessee Division of Archaeology can proceed with the reinterment upon the Review Committee's recommendation to the Secretary of the Interior and the Secretary's

1 later. And so that means we would look at our
2 draft report to Congress, the appointment of
3 someone to write our 2010 report to Congress, the
4 disposition of human remains and funerary objects
5 from Tennessee Division of Archaeology, and then
6 also the date and location of the 2011 Review
7 Committee meetings, and then the Dan Monroe
8 statement. So if there are no objections to that,
9 we'll proceed in that way to do the action items
10 first.

11 DAVID TARLER: Very good, Madam Chair.

12 ROSITA WORL: All right. Hearing no
13 objections, let's go ahead and do the Review
14 Committee's report to Congress for 2009, and Eric,
15 do you want to take the lead here?

16 **REVIEW COMMITTEE'S REPORT TO CONGRESS FOR 2009**

17 ERIC HEMENWAY: Sure. I went back and made the
18 revisions that were requested by the Review
19 Committee at last month's meeting and tried to
20 clean up a little bit of the wording so it wasn't
21 so general and tried to have more specifics when it
22 came to museums and Federal agencies and put in
23 some of the recommendations that the Review
24 Committee wanted to see in the report. But one
25 concern or issue I was having when I was writing

1 this report was a lot of personal experience kept
2 kind of (comment inaudible) the report. And when
3 you look at the report, it has a section called
4 Barriers Encountered, but when you go back and look
5 at the minutes to the Review Committee meetings and
6 if you were at the meetings there was not a lot of
7 emphasis put on these like specific barriers. But
8 we all encounter a lot of barriers in our day-to-
9 day work under NAGPRA, so I was putting those in as
10 I saw fit and I just wanted to run that by the
11 Review Committee again. I just wanted to double-
12 check to see if that was permissible.

13 ROSITA WORL: Any comments, Review Committee
14 members?

15 Well, Eric, I read the report, and I thought
16 it was - you had addressed many of the different
17 issues that we had raised in our last meeting. And
18 I also looked over the barriers, and I didn't find
19 anything that I didn't think was - that hadn't been
20 referenced in some sort of way, either by the
21 Review Committee members or by the public. So I'm
22 satisfied with that. So are there any other
23 comments on the report to Congress?

24 ALAN GOODMAN: Yes, this is Alan Goodman. I
25 would agree with Rosita, you know, that barriers

1 encountered aren't things that we necessarily spend
2 a lot of time talking directly about, but
3 indirectly we all do experience them. And I think
4 you - Eric, you've done a really nice job of laying
5 them out.

6 ROSITA WORL: Any further comments?

7 DAN MONROE: Yes, this is Dan. I think I would
8 affirm the statement that you've done a nice job,
9 Eric.

10 I believe that we should consider also adding
11 a Barriers Encountered section that deals with
12 level of staffing at the NPS, the NAGPRA National
13 Program, in a variety of ways. We have, in 2009
14 and '10, real evidence that (comment inaudible)
15 operate and implement this Act with support that's
16 not really at the level it needs to be at the
17 National NAGPRA Office, and I think that we should
18 make reference to that. And also in the 2010
19 report, we should make reference to the fact that
20 both the combination of resources and allocation of
21 resources in the National NAGPRA Program is an
22 issue.

23 ROSITA WORL: I think we could probably include
24 that in barrier number one where we talk about
25 inadequate staffing to investigate civil penalties,

1 and if we could just expand that to add other
2 programmatic activities?

3 DAN MONROE: Yes, that would be fine, Rosita.

4 ROSITA WORL: Okay. Eric, is that - can we do
5 that?

6 ERIC HEMENWAY: Yes, that's fine.

7 ROSITA WORL: Okay. Are there any other
8 comments?

9 Is the committee ready to accept this report
10 with that one recommendation? Do I have a motion
11 to accept the Review Committee - the report to
12 Congress with the amendment?

13 **REVIEW COMMITTEE MOTION**

14 DAN MONROE: So moved.

15 SONYA ATALAY: I would make a motion.

16 ROSITA WORL: We have a motion. Is there a
17 second?

18 SONYA ATALAY: I'll second.

19 DAN MONROE: Second.

20 ROSITA WORL: All right. We have a motion made
21 by Dan and second by Sonya to approve of the Review
22 Committee report to Congress for 2009 with the
23 addition of inadequate staffing for other
24 programmatic activities. All those in favor
25 signify by saying aye.

1 SONYA ATALAY: Aye.

2 DONNA AUGUSTINE: Aye.

3 ALAN GOODMAN: Aye.

4 ERIC HEMENWAY: Aye.

5 DAN MONROE: Aye.

6 ROSITA WORL: Aye.

7 MERVIN WRIGHT, JR.: Aye.

8 ROSITA WORL: Those opposed say no.

9 That motion is adopted. We will complete that
10 report to Congress for 2009.

11 **REVIEW COMMITTEE'S REPORT TO CONGRESS FOR 2010**

12 ROSITA WORL: The next action item is the
13 Review Committee report to Congress for 2010.
14 We've already heard one recommendation, one barrier
15 to be included. I had sent a note out to the
16 Review Committee members, and I didn't see a lot of
17 people jumping up to volunteer. Using the
18 prerogative of the Chair, I would like to appoint
19 Alan Goodman and then assisted by Donna Augustine,
20 while she is still on the board. So if there are
21 no objections to that -

22 ALAN GOODMAN: Rosita, this is Alan, not
23 objecting but could you tell me when the 2010
24 report draft would be due?

25 ROSITA WORL: We're hoping to have it for our